IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 99 of 1993

in

SPECIAL CIVIL APPLICATIONNo 993 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

R.A. PATEL

Appearance:

MR PREMAL JOSHI, AGP, for Appellants
NOTICE SERVED for Respondent No. 1
MR MD PANDYA for Respondent No. 16

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 13/03/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

By this Letters Patent Appeal, under clause 15 of the Letters Patent, the appellants-original respondents have challenged the judgment and order of the learned single Judge recorded in the aforesaid writ petition on 8.7.1992, whereby, the respondents, original petitioners who were permitted to appear at the respective examination by virtue of an interim order, succeeded in getting the direction that the result of the examination be declared and be communicated to the respective candidates, like that, original petitioners and thereby, the petition was, partly, allowed.

After having heard the learned AGP, Mr. Joshi for the appellants and the learned advocate Mr. Pandya for the Gujarat Electricity Board and considering the factual projection and the interpretation made by the learned single Judge of the relevant rules, we are of the opinion that this Letters Patent Appeal is meritless and deserves to be dismissed.

On being repeatedly and pointedly questioned as to how, in the facts and circumstances of the present case, the interpretation of requirement of age, experience and other aspects made by the learned single Judge could be characterised as unsustainable, the learned AGP has not been able to satisfy us that the view taken by the learned single Judge is not justified. Since, we, broadly, agree with the impugned judgment, in the facts of the present case, it would not be necessary to reiterate and repeat all the aspects examined by the learned single Judge and discussed in the impugned judgment. However, before concluding this judgment, we would like to place it on record that the view and the ultimate conclusion reached by the learned single Judge, which we affirm and confirm by dismissing this appeal are only in the factual context and factual scenario of the case on hand and not on principle of law.

In the result, the appeal is dismissed without any order as to costs.

(J.N.Bhatt, J.)

(A.M.Kapadia, J.)

(vjn)